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# Planning Board Minutes 8/16/2016

## Planning Board

August 16, 2016

Approved September 27, 2016

**Members Present:** Bruce Healey, Chair; Bob Caia Vice-Chair, Bill Weiler, Deane Geddes, Members; Russell Smith, Ex-officio Member; Ken McWilliams, Advisor.

Mr. Healey called the meeting to order at 7:00 p.m.

### ADMINISTRATIVE BUSINESS

#### Minutes

The Board reviewed the minutes of July 19, 2016 and made corrections. Mr. Weiler made a motion to approve the minutes as corrected. Mr. Smith seconded the motion. All in favor.

### ADDITIONAL BUSINESS

#### September Meeting

There was Board consensus to reschedule the September meeting to September 27, 2016, due to multiple scheduling conflicts.

#### Willow Pond

There was significant discussion regarding the two bridges built across Morse Brook on the Willow Pond Gravel & Sand property location. Mr. Healey noted that the Board should make sure there is a NH DES permit in place for wetland crossing. There was discussion about whether the waterbody in question is a stream or a named brook. There was further discussion about whether the current definition for wetland crossing needs to be amended.

Mr. Healey noted that he spoke with the property owners and they indicated that they are working with Bob Stewart, wetland scientist, who intends to ensure that the bridge abutments are not within the 75-foot buffer zone.

#### Master Plan

Mr. Caia reported to the Board that the data collection portion of the Master Plan Update process is going well. He noted that there is another public “envisioning” session scheduled for August 27. He said the consultant, Resilience Planning & Design, is doing a thorough job of collecting public input.

Mr. Smith said the flashing sign on Route 103 will be used to advertise the upcoming meeting.

Mr. Healey asked the Board if it needs more direct involvement in the Master Plan Update process. There was Board consensus to invite Steve Whitman, Resilience Planning & Design, to meet with the Board at the October meeting. Mr. Healey requested that Mr. Caia send a written summary to the Administrative Assistant for inclusion in the Town September newsletter. Mr. Caia agreed.

### CIP

Mr. McWilliams reported that the second meeting was held with department heads and that another draft of the CIP was sent to Ivor Freeman, CIP Chair, and to the Town Administrator for review. Mr. McWilliams added that the proposed CIP will be presented to the Board at the September 27 meeting for review and vote. Following that, the CIP will be sent to the Selectboard.

#### **Accessory Apartment Ordinance Proposed Amendments**

The Board discussed at length the current regulations covering accessory apartments. Mr. McWilliams read into record the recently revised state Statute regarding same as follows:

*RSA 674:68 I, in part, states: "A municipality that adopts a zoning ordinance pursuant to the authority granted in this chapter shall allow accessory dwelling units, either as a matter of right or by special exception, in all zoning districts that permit single-family dwellings."*

Mr. McWilliams added the following comments: Newbury permits single-family dwellings in the Residential District, Business District and Blodgett Landing Cottage District. Newbury allows accessory apartments in the Residential and Business Districts. However, accessory apartments are specifically not allowed in the Blodgett Landing Cottage District by Article 6.12 citing limitations of the neighborhood to absorb additional density. To comply with the new law, Newbury will need to amend Article 6.12 to allow an accessory apartment under the same process and provisions applying to Articles 4.10 and 5.7.

Discussion followed and included the following points:

- The intent of the accessory apartment ruling is to provide for workforce housing.
- The RSA defines accessory apartment as being within an existing living unit or attached to an existing living unit.
- Discussion regarding the need for a Special Exception versus a matter of right.
- Have the Code Enforcement Officer (CEO) review a list of requirements for building permits for accessory apartments that includes age of the building, parking, exterior building changes, entrance requirements, provisions for flooring, etc.
- Concerns regarding the Board's ability to have oversight on accessory apartment development under this new RSA.

Mr. McWilliams noted that he conferred with Town Counsel regarding the new RSA and that the latter advised that the Town may be less restrictive in its regulations than the state pertaining to accessory apartments, particularly to the allowance of accessory apartments as separate dwellings.

The Board discussed when a Special Exception might be needed and agreed that it would be needed for the Blodgett Landing Cottage District but not for the Residential or Business Districts.

The Board discussed the current 5-year regulation that applies to accessory apartments in Newbury. It was agreed that the rule was in place to mitigate unscrupulous developers. There was Board consensus to remove the 5-year rule and to place oversight in the hands of the CEO.

Modifications to 4.10.1, 4.10.9, and Article 6.12 were discussed.

Mr. Smith made a motion to adjourn. Mr. Geddes seconded the motion. All in favor.

Meeting adjourned at 8:26 p.m.

Respectfully submitted,

Meg Whittemore  
Recording Secretary

